AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 22ND DAY OF FEBRUARY, 2010 AT 5:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT: Annette S. Perkins -Chair

James D. Politis -Vice Chair Mary W. Biggs -Supervisors

William H. Brown Gary D. Creed Doug Marrs John A. Muffo

F. Craig Meadows -County Administrator

L. Carol Edmonds -Assistant County Administrator

Martin M. McMahon -County Attorney

Angie Hill -Financial & Management Services Dirctor

Marc Magruder -Budget Manager

Ruth L. Richey -Public Information Officer
Vickie L. Swinney -Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO WORK SESSION - 5:00 p.m.

On a motion by John A. Muffo, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Budget Development – FY 2010-2011

The vote on the foregoing motion was as follows:

AYE NAY John A. Muffo None

John A. Mutto
Doug Marrs
Mary W. Biggs
James D. Politis
William H. Brown
Gary D. Creed
Annette S. Perkins

Budget Development – FY 2010-2011

The County Administrator reported the County is dealing with challenging times and deep budget cuts at the state level. Staff is looking at the impacts to the County's budget and what options are available.

The Assistant County Administrator made a presentation on what different strategies could be put in place to address the state budget cuts.

The Montgomery County School Operating Budget for FY 2010-11 is looking at a 5.7% reduction as of February 2010 and the County's General Fund Budget is looking at an estimated shortfall of \$3.4 million, an 8.7% reduction. If the state cuts an additional \$700 million to public education, as proposed by the Governor, it could result in an additional \$6 million reduction to Montgomery County Public Schools.

There are several programs and items not funded in the FY 11 budget, such as the Gypsy Moth Program, funds for revenue sharing for roads, no operating increases for Fire & Rescue, no increase for library books, no added positions, and no salary increases.

To address challenges in FY 11, some reduction strategies employed in FY10 are continued:

- Freezing vacant positions
- Increasing expenditures in only the required areas (utilities, benefit increases, etc.)
- Eliminating part time salary funds
- Deferring discretionary spending
- Limiting surplus dollars from being carried forward for use in the current year

State reductions to public safety and education are areas of significant concern. In FY 11 only, the State has cut 21% of their funding for the Commonwealth's Attorney and the Sheriff's Office with added cuts predicted.

In FY 11 only, the State has cut 10% of their funding for schools with additional cuts predicted. The State has eliminated funding for all positions in the Commissioner of the Revenue and the Treasurer's Office, except the Constitutional Officer. The County does not have the resources to restore 100% of the positions in each office due to the State's decision to cut state funding.

One strategy is the change in motor vehicle value. This will help offset some of the personal property revenue shortfall and help stabilize the existing local revenue base. Also, the proposed budget will include a 4 cent increase in the real estate tax rate. The 4 cent increase would bring in \$2.7 million in additional revenue. The proposed increase will help offset the \$3.4 million budget shortfall and provide additional support to the county school system. It would also help preserve positions in the offices of the Sheriff, Commonwealth's Attorney and the Clerk Office.

A chart outlining the impact of real estate tax increases from 1 cent to 4 cents was distributed to the Board as shown below:

IMPACT OF TAX INCREASE									
Tax Increase	Average * Current Total Home Value Tax Bill Increas			Percent Total Inc	Inc Cost on Each Of 2 Tax Bills		Monthly Cost Inc		
4 cents	201,122	1,428	\$	80.45	5.63%	\$	40.22	\$	6.70
3 cents	201,122	1,428	\$	60.34	4.23%	Ś	30.17	Ś	5.03
2 cents	201,122	1,428	\$	40.22	2.82%	•	20.11	•	3.35
1 cents	201,122	1,428	\$	20.11	1.41%	•	10.06		1.68

<u>Note</u>

Actual Ave based on Land Records. 23,675 houses 4,761,574,000 total value Average = \$201,122

A chart on options for consideration to balance the FY 2011 budget was also distributed outlining what items would be provided if the real estate tax rate was increased from 1 cent to 4 cents.

PLAN A- 4 CENT TAX INCREASE

75 CENT TAX RATE (4 CENT+)

= \$2.7 million in additional revenue

WHAT IT PROVIDES -

- 1. No cut to County Dollars for Schools
- 2. Gives priority to Public Safety
- 3. Changes Motor Vehicle Value4. Captures Debt Service Savings (\$300,000)
- 5. Freezes Vacant 12 FTE (\$587,006)

- 1-IT
- 1-Commissioner
- 1-Registrar
- 3-Sheriff
- 2-General Services
- 1-DSS
- 2-Library
- 1-Planning
- 6. Reduces 9 FTE- effective 1/2011 (\$180,623)
 7. Add dollars for schools \$300,000
 8. Funds Retirement Incentives \$262,500
 9. Establish Revenue Stabilization \$564,248

ESTIMATED WINDFALL =\$1.4 MILLION

(One-time money)

Possible Uses:

- 1. Create a Rainy Day Fund \$1,000,000
- 2. Funds for Roads, F&R etc. \$ 400,000

PLAN B – 3 Cent Tax Increase

74 CENT TAX RATE (3 CENT+)

= \$2.0 million in additional revenue

WHAT IT PROVIDES -

- 1. No cut to County Dollars for Schools
- 2. Gives priority to Public Safety
- 3. Changes MV Value
 \$700,000

 4. Captures Debt Savings
 (\$300,000)

 5. Freezes Vacant 12 FTE
 (\$587,006)
 - 1-IT
 - 1-Commissioner
 - 1-Registrar
 - 3-Sheriff
 - 2-General Services
 - 1-DSS
 - 2-Library
 - 1-Planning
- 6. Reduces 9 FTE- effective 1/2011 (\$180,623) 7. Funds Retirement Incentive \$262,500 8. Est. Revenue Stabilization \$185,248

ESTIMATED WINDFALL =\$1.0 MILLION

(One-time money)

Possible Uses:

1. Create a Rainy Day Fund \$500,000 2. Funds for Roads, F&R etc. \$500,000

PLAN C – 2 Cent Tax Increase

73 CENT TAX RATE (2 CENT+)

= \$1.4 million in additional revenue

WHAT IT PROVIDES –

- 1. No cut to County Dollars for Schools
- 2. Gives priority to Public Safety
- 3. Changes MV Value
 \$700,000

 4. Captures Debt Savings
 (\$300,000)

 5. Freezes Vacant 12 FTE
 (\$587,006)
 - 1-IT
 - 1-Commissioner
 - 1-Registrar
 - 3-Sheriff
 - 2-General Services
 - 1-DSS
 - 2-Library
 - 1-Planning

6. Reduces 9 FTE- effective 7/2010	(\$361,246)
7. Cut Part Time Salary	(\$23,617)
8. Reduce Outside Agencies 2%	(\$ 11,389)
9. Eliminate Comp for Boards	(\$17,823)

ESTIMATED WINDFALL = \$679,000

(One-time money)

Possible Uses:

- 1. Create a Rainy Day Fund \$490,000
- 2. Backfill 9 FTE for 6 months \$180,623

PLAN D – 1 Cent Tax Increase

72 CENT TAX RATE (1 CENT+)

= \$700,000 in additional revenue

WHAT IT PROVIDES -

1. Gives priority to Public Safety

Changes MV Value \$700,000
 Captures Debt Savings (\$300,000)
 Freezes Vacant 12 FTE (\$587,006)

1-IT

1-Commissioner

1-Registrar

3-Sheriff

2-General Services

1-DSS 2-Library 1-Planning

Reduces 9 FTE- effective 7/2010 (\$361,246)
 Cut Part Time Salary (\$23,617)
 Reduce Outside Agencies 2% (\$11,389)
 Eliminate Comp for Boards (\$17,823)
 Reduce School Funding 1% (\$351,040)
 Balance Budget w/residual \$325,761

A public hearing on the advertised budget and real estate tax rate is scheduled for March 25, 2010. April 12, 2010 is the date scheduled for adoption of the budget and tax rate. Taxes are due June 5 and tax bills must be issued 14 days before the date or May 21. Generally, processing time for the land book and tax bills takes 2-3 weeks after the tax rate is set.

OUT OF WORK SESSION

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE
Doug Marrs
None
Mary W. Biggs
James D. Politis
William H. Brown
Gary D. Creed
John A. Muffo

<u>RECESS – 6:50 p.m.</u>

Annette S. Perkins

The Board took a 10 minute recess at 6:50 p.m. and reconvened at 7:00 p.m.

ADD TO THE AGENDA

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the addendum dated February 22, 2010 was added to the agenda under closed Meeting as follows:

Section 2.2-3711

Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Montgomery County Electoral Board

The vote on the foregoing motion was as follows:

(7)

AYE
Gary D. Creed
William H. Brown
James D. Politis
Mary W. Biggs
Doug Marrs
John A. Muffo
Annette S. Perkins

INTO CLOSED MEETING - 7:00 p.m.

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.
 - 1. Project # 200920
- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
 - 1. Montgomery County Electoral Board

The vote on the foregoing motion was as follows:

AYE
Mary W. Biggs
James D. Politis
William H. Brown
Gary D. Creed
John A. Muffo
Doug Marrs
Annette S. Perkins

OUT OF CLOSED MEETING - 7:45 p.m.

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE
James D. Politis
None
William H. Brown
Gary D. Creed
John A. Muffo
Doug Marrs
Mary W. Biggs
Annette S. Perkins

CERTIFICATION OF CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES
William H. Brown
Gary D. Creed
John A. Muffo
Doug Marrs
Mary W. Biggs
James D. Politis
Annette S. Perkins

<u>NAYS</u>

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A moment of silence was lead by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DELEGATION

Planning Director Steve Sandy, Planning Commission Chairman Bryan Rice, and BZA Chairman Rick DiSalvo, presented the 2009 Annual Report for the Planning Commission and BZA, and 2010 Planning Work Program.

Planning Director Steve Sandy reported on the Planning & GIS Services major projects for 2009 as follows:

- FEMA Mapping Project
- Land Development Office (LDO)
- PIPA Pipeline Grant
- Zoning Ordinance Update
- NRV Planning District Commission Project Collaboration
- New County Website

Planning Commission member Bryan Rice reported on the Planning Commission's activities for 2009. A total of 7 rezoning requests were reviewed and approved by the Board of Supervisors. A total of 11 special use permit applications were received with 10 requests being approved by the Board of Supervisors and one pending. Mr. Rice expressed his appreciation to the Board of Supervisors for providing excellent leadership and open communications between the Board and Planning Commission.

BZA Chairman Rick DiSalvo reported on the Board of Zoning Appeal's activities in 2009. The BZA reviewed four cases in 2009. Mr. DiSalvo expressed his appreciation to Planning staff for doing a wonderful job and solving issues before they get to the BZA.

Supervisor Muffo commented that the annual report makes it appear that the Planning Commission and Board of Supervisors approves every request for rezoning and special use permit that is submitted. Supervisor Muffo clarified that is not the case. Due to the excellent work done by the staff there are requests that are filtered out before reaching the Planning Commission stage.

PUBLIC ADDRESS

<u>Joe Painter</u>, a criminal and constitutional lawyer, spoke against reducing funds to the Commonwealth's Attorney and Sheriff's office.

CONSENT AGENDA

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated February 22, 2010 was approved.

The vote on the foregoing motion was as follows:

AYE
Gary D. Creed
John A. Muffo
Doug Marrs
Mary W. Biggs
James D. Politis
William H. Brown

William II. Diown

Annette S. Perkins

Approval of Minutes

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously, the minutes dated September 28, 2009 and October 13, 2009 were approved.

Appropriations and Transfers

A-FY-10-74 INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT PROGRAM

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisor of the County of Montgomery, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

911 Emergency Communication Grant

\$4,000

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424401 State Grants

\$4,000

Said resolution appropriates additional state grant funding awarded through the 2008 Interoperable Emergency Communications Grant Program for the Consolidated 911 Emergency Communications project.

A-FY-10-75 SHERIFF RECOVERED COSTS

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

320 Sheriff County

\$3,732

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419108 Recovered Costs

\$3,732

Said resolution appropriates recovered costs for use by the Sheriff's department.

A-FY-10-76 PARKS & RECREATION MOTOR MILE PARK CARRYOVER FUNDS FROM FY 09

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

700 Parks and Recreation

\$67,500

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451205 General Fund Balance

\$67,500

Said resolution appropriates funds remaining at year end of Fiscal Year 2009 to cover the one-time costs associated with restoring the field at the Motor Mile Park.

NEW BUSINESS

R-FY-10-124 RESOLUTION RENEWING MONTGOMERY COUNTY'S PARTICIPATION IN THE NEW RIVER VALLEY HOME CONSORTIUM FOR AN ADDITIONAL THREE YEAR TERM

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors elected to join the New River Valley HOME Consortium and entered into a Cooperation Agreement with the Counties of Giles, Pulaski, Floyd, the City of Radford and the Towns of Blacksburg, Christiansburg, Glen Lyn, Pearisburg, and Pulaski ("Cooperation Agreement") establishing the New River Valley HOME Consortium; and

WHEREAS, The New River Valley HOME Consortium has provided the means to accept approximately \$1 million annually in federal funding directly from the Department of Housing and Urban Development (HUD) for affordable housing projects benefiting low and moderate income residents within the localities participating in the Consortium; and

WHEREAS, The County has been notified by the Lead Agency in the Consortium asking whether the County intends to renew the Cooperation Agreement for an additional three year term from July 1, 2010 to June 30, 2013; and

WHEREAS, The continued participation of Montgomery County in the New River Valley HOME Consortium is necessary to enable the Towns of Blacksburg and Christiansburg to also participate in the Consortium; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia desires to renew the Cooperation Agreement and remain in the New River Valley HOME Consortium.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby renews the Cooperation Agreement for an additional three year term, from July 1, 2010 to June 30, 2013, in order to continue to participate in the New River Valley HOME Consortium.

BE IT FURTHER RESOLVED, By the Board of Supervisors, that the County Administrator is hereby authorized to sign on behalf of the County of Montgomery the required documents renewing the Cooperation Agreement for an additional three year term.

The vote on the foregoing resolution was as follows:

AYE
John A. Muffo
None
Doug Marrs
Mary W. Biggs
James D. Politis
William H. Brown
Gary D. Creed
Annette S. Perkins

R-FY-10-125 RESOLUTION TO DEFER RESOLUTION OF APPRECIATION FOR JOHN S. NOWLIN

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby defers the Resolution of Appreciation of John S. Nowlin, Montgomery County Electoral Board, to a future meeting.

The vote on the foregoing motion was as follows:

AYE
Doug Marrs
None
Mary W. Biggs
James D. Politis
William H. Brown
Gary D. Creed
John A. Muffo
Annette S. Perkins

COUNTY ATTORNEY'S REPORT

Received a request from the Sheriff to research the Virginia State Code section that allows the Sheriff's Department and Volunteer Fire/Rescue, by ordinance, to seek reimbursement for expenses incurred when responding to any incident related to the conviction of violating DUI, Reckless Driving, Driving without a License or other similar violation. The maximum amount of reimbursement cannot exceed \$1,000 per incident. The fee would be deposited into the County's general fund and transferred to the Sheriff's Department and Fire/Rescue respectively.

Supervisor Brown asked if the County is not the primary responder could they still request reimbursement. The County Attorney replied they could.

Supervisor Creed asked for clarification as to when the fee could be imposed. The County Attorney explained that only in the case of conviction will the fee be imposed. The County cannot seek reimbursement if the person is not convicted.

The County Attorney requested direction from the Board as to whether they would like to move forward on the request. He also stated he will survey other localities to see if they have adopted an ordinance on this issue. The Board voiced support and directed the County Attorney to move forward.

COUNTY ADMINISTRATOR'S REPORT

<u>Virginia Association of Counties Legislative Day</u> - The County Administrator reported the VACo/VML Legislative Day was held in Richmond on February 11, 2010. News from the General Assembly is depressing. These are challenging times with deep budget cuts at the state level.

<u>Donation from Citizen</u> - The County received a \$500 donation from a citizen who expressed concern with budget reductions from the state and reduction of revenue at the local level.

BOARD MEMBERS' REPORTS

<u>Supervisor Creed</u> encouraged all citizens to voice their support or concerns on the County's FY 2010-2011 budget and proposed real estate tax increase. The Board of Supervisors would like to hear what people have to say.

<u>Supervisor Brown</u> thanked the Board for their support in adopting a resolution of appreciation for Jimmy Epperly. Mr. Epperly retired as fire chief of the Christiansburg Fire Department with 45 years of service.

<u>Blacksburg High School Gym Roof Collapse</u> - Commended the County Administrator for his support to the School System during the recent roof collapse at Blacksburg High School.

<u>Supervisor Marrs</u> also encouraged citizens of Montgomery County to let the Board of Supervisor know their opinion about the proposed real estate tax increase.

<u>Supervisor Biggs</u> commented this is a hard year for Montgomery County with the state budget cuts and possible real estate tax increase. She encouraged citizens to let the Board know what services are valuable to them and what services they expect to keep. There are numerous services the County provides to the citizens, such as education, libraries, park and recreation, and consolidated collection sites.

<u>Blacksburg High School Gym Roof Collapse</u> - Commended the County Administrator for keeping the Board of Supervisors informed about the situation at the Blacksburg High School. Supervisor Biggs commended Walt Shannon, Interim School Superintendent, for his leadership during this crisis and School Board Chair Wendell Jones. She also expressed appreciation to the Town of Blacksburg and Fire and Rescue personnel.

She expressed concern about the roof collapse and the safety of the remainder of the building. Supervisor Biggs asked if the County or Schools had a policy for inspections of county/school facilities.

The County Administrator replied that the County does not have a policy for inspections of County facilities and is not aware of any School Board policy for inspection of school facilities.

<u>VACo/VML Legislative Day</u> - Supervisor Biggs attended the Legislative Day in Richmond. She expressed her frustration with the State of Virginia. The General Assembly is constantly reducing state funds to the localities and still mandating the localities provide the services.

<u>Supervisor Politis</u> also encouraged citizens to provide input on the proposed FY 2010-2011 budget and proposed real estate tax increase.

<u>Supervisor Muffo</u> expressed his appreciation to the County Administrator for his leadership during the roof collapse at the Blacksburg High School. He also commended Wendell Jones and Walt Shannon for doing a fantastic job.

<u>"Take Back the Night" Rally and March</u> — The 21st annual *Take Back the Night* Rally and March will be held Thursday, March 25, 2010 beginning at 7:00 p.m. on the Drillfield in front of the chapel at Virginia Tech. Supervisor Muffo requested a proclamation be added to the next agenda supporting this event.

<u>Supervisor Perkins</u> agreed with Board members' comments regarding the budget. She also expressed frustration with the attitude the General Assembly members have regarding the budget cuts to localities of just "deal with it". She believes the Board of Supervisors will have to make some tough decisions regarding the FY 10-11 budget.

<u>School Issues:</u> In response to citizen concerns regarding the safety of school facilities, other school facilities were inspected after the Blacksburg High School gym roof collapse. The high school students are attending school at the Blacksburg Middle School in the afternoon, after the middle school students are released. Supervisor Perkins commended Walt Shannon, Interim School Superintendent, for his leadership during this crisis. She also thanked the County Administrator and staff for all their support and help.

ADJOURNMENT

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously, the Board adjourned to Monday, March 8, 2010 at 6:00 p.m.

The vote on the foregoing motion was as follows:

AYE
Mary W. Biggs
James D. Politis
William H. Brown
Gary D. Creed
John A. Muffo
Doug Marrs
Annette S. Perkins

The meeting adjourned at 8:45 p.m.

APPROVED:		ATTEST:	
	Annette S. Perkins Chair, Board of Supervisors		F. Craig Meadows County Administrator